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8 *Attorneys for Complainant*

9 **BEFORE THE**
10 **BOARD OF PHARMACY**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Statement of Issues Against:

Case No. 4212

13 **HOWARD VERN PULVER**
4115 West Chama Drive
14 Glendale, AZ 85310

STATEMENT OF ISSUES

15
16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official
21 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

22 2. On or about February 11, 2011, the Board of Pharmacy, Department of Consumer
23 Affairs received an application for a Pharmacist License from Howard Vern Pulver (Respondent).

24 On or about February 8, 2011, Howard Vern Pulver certified under penalty of perjury to the
25 truthfulness of all statements, answers, and representations in the application. The Board denied
26 the application on October 13, 2011.

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1 **JURISDICTION**

2 3. This Statement of Issues is brought before the Board of Pharmacy (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

5 **STATUTORY PROVISIONS**

6 4. Section 480 states in part, that:

7 (a) A board may deny a license regulated by this code on the grounds that the
8 applicant has one of the following:

9 ...

10 (3) (A) Done any act that if done by a licentiate of the business or
11 profession in question, would be grounds for suspension or revocation of
12 license.

13 5. Section 4301 of the Code states:

14 The board shall take action against any holder of a license who is guilty of
15 unprofessional conduct or whose license has been procured by fraud or
16 misrepresentation or issued by mistake. Unprofessional conduct shall include, but is
17 not limited to, any of the following:

18 ...

19 (n) The revocation, suspension, or other discipline by another state of a license
20 to practice pharmacy, operate a pharmacy, or do any other act for which a license is
21 required by this chapter.

22 **CAUSE FOR DENIAL OF APPLICATION**
23 **(Out of State Discipline)**

24 6. Respondent's application is subject to denial under section 480, subsection (a)(3) for
25 violation of section 4301, subsection (n) in that on or about November 19, 2009, in the
26 disciplinary matter of *Howard Pulver, Holder of License No. S015422*, case No. 09-0035-PHR,
27 before the Arizona State Board of Pharmacy, Respondent's license to practice was suspended for
28 6 months.

The circumstances are as follows: On or about November 17, 2009, Respondent entered
into a consent agreement with the Arizona State Board of Pharmacy. The consent agreement
found that in or about 2008, Respondent stole money from his employer, Wal-Mart. Further, the
consent agreement found that Respondent used unauthorized coupons to load Wal-Mart gift

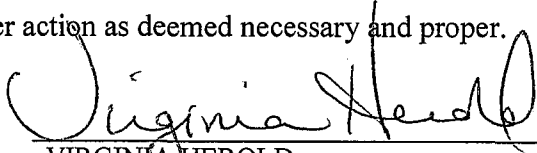
1 cards; used said gift cards to purchase prescriptions and merchandise from Wal-Mart; performed
2 unauthorized price overrides on Wal-Mart purchases; took merchandise from Wal-Mart without
3 paying for them; and falsified prescriptions and their refills for himself and his wife by changing
4 the quantity of the medication and the number of refills available.

5 **PRAYER**

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
7 and that following the hearing, the Board of Pharmacy issue a decision:

- 8 1. Denying the application of Howard Vern Pulver for a Pharmacist License;
9 2. Taking such other and further action as deemed necessary and proper.

10 DATED: 3/19/12


11 VIRGINIA HEROLD
12 Executive Officer
13 Board of Pharmacy
14 Department of Consumer Affairs
15 State of California
16 Complainant

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